

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

SEGMENT CONSULTING
MANAGEMENT, LTD., a British
Columbia, Canada Company; and
LIGHTHOUSE ENTERPRISES INC.,
a Barbados Company,

Plaintiffs,

v.

BLISS NUTRACETICALS LLC, a
Georgia Limited Liability Company;
VIVAZEN BOTANICALS LLC, a
Florida Limited Liability Company;
and DOES 1 through 10,

Defendants.

CIVIL ACTION FILE NO:
1:20-cv-01837-TWT

JOINT MOTION FOR ENTRY OF CONSENT ORDER

Plaintiffs Segment Consulting Management, LTD and Lighthouse Enterprises, Inc. (“Plaintiffs”) and Defendant Bliss Nutraceuticals, LLC (“Bliss Nutra”; collectively “Plaintiffs”) file this Joint Motion for Entry of a Consent Order, which is attached as **Exhibit “A”**, showing this Court as follows:

1.

Plaintiffs filed this action on April 28, 2020. ([Doc. 1.](#))

2.

On April 29, 2020, Plaintiffs filed an *Ex Parte* Motion for Temporary Restraining Order ([Doc. 5](#)) (the “TRO Motion”), and requested an immediate hearing.

3.

On May 19, 2020, the Court set the hearing on the TRO Motion for May 22, 2020 at 11:00 a.m., and ordered Plaintiffs to serve Defendants, including Bliss Nutra, with notice of the hearing.

4.

Bliss Nutra was served with the notice for the TRO Hearing on May 20, 2020, and filed a Motion for Continuance that same day. ([Doc. 15.](#))

5.

The following day, on May 21, 2020, the Court granted Bliss Nutra’s Motion for Continuance, and reset the hearing on the TRO Motion for June 12, 2020 at 11:00 a.m. Eastern Time.

6.

Counsel for Plaintiffs and counsel for Bliss Nutra have since been discussing a procedure to pursue a resolution of case.

7.

In effort to pursue a resolution in good faith, the Parties have come to the following agreement, which is memorialized by the Consent Order attached as Exhibit A:

- (a) Plaintiffs will stay prosecution of this case against Bliss Nutra;
- (b) Plaintiffs will suspend their TRO Motion as to Bliss Nutra, but not as to Defendant Vivazen Botanicals LLC (“VZB”);
- (c) Bliss Nutra will immediately cease selling or otherwise trafficking in any products that bear or otherwise use the word “VIVAZEN” in any way, provided that (1) any resale of any products identified with “Vivazen Botanicals” already sold or otherwise transferred by Bliss Nutra to, and paid for by, third parties not under the direct or indirect control of Bliss Nutra or its principals will not violate this agreement and (2) any sales by VZB of products bearing the word “VIVAZEN” will not be considered violations by Bliss Nutra, except to the extent Bliss Nutra or any of its principals, officers, or agents exercise control over VZB;
- (d) Within 24 hours of the Court’s entry of the Consent Order, Bliss Nutra will remove any mention of the word “Vivazen” from any website which Bliss Nutra or any of its principals, officers, or agents own,

operate, or otherwise control, including without limitation the section entitled “Vivazen” of the website available at <https://blissnutra.com/>;

- (e) Within 24 hours of the Court’s entry of the Consent Order, Bliss Nutra will remove from public accessibility entirely the website available at <http://vivazenbotanicals.com/>;
- (f) The Parties shall mediate the case by June 26, 2020, and shall pursue settlement discussions in a good-faith and expeditious manner;
- (g) If mediation and/or settlement efforts fail in the opinion of any Party, any of the Parties may file a status report with the Court informing the Court that such efforts have, in the filing Party’s opinion, failed;
- (h) Upon the filing of such a status report, Plaintiffs’ TRO Motion is automatically converted to and treated as though it were a motion for a preliminary injunction as against Bliss Nutra, and the Court will schedule a hearing on that motion as soon as possible after the status report is filed;
- (i) The prohibitions of the Consent Order found in paragraphs (c) through (e) above shall remain in full force and effect through the preliminary injunction hearing on the TRO Motion, converted as described above in paragraph (h);

- (j) The Parties preserve any and all legal arguments and remedies, and jointly stipulate that this agreement shall not be used against their interests within or outside of this action; and
- (k) Plaintiffs may move forward with their TRO Motion (not converted as described in paragraph (h) above) as against VZB, including with the hearing scheduled for June 12, 2020.

8.

The Parties have worked together in developing this agreement, and believe that it allows them to meaningfully pursue settlement discussions.

WHEREFORE, Plaintiffs Segment Consulting Management, LTD and Lighthouse Enterprises, Inc. and Defendant Bliss Nutraceuticals, LLC respectfully request that this Court grant this Joint Motion and enter the Consent Order attached hereto as **Exhibit “A”**.

Respectfully submitted this 11th day of June, 2020.

HOLLAND & KNIGHT LLP

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LR 7.1(D) FONT COMPLIANCE CERTIFICATION

The undersigned counsel for Bliss Nutraceuticals, LLC hereby certifies that the within and foregoing document was prepared using Times New Roman 14-point font in accordance with Local Rule 5.1 of the United States District Court for the Northern District of Georgia.

This 11th day of June, 2020.

HOLLAND & KNIGHT LLP

/s/ Jake Evans

Jake Evans

Georgia Bar No. 797018

Attorney for Bliss Nutraceuticals, LLC